EXPLANATION OF

28

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the nullifiers of Wudū', and the author رحمه الله تعالى said,

والنواقض في الطهارة الصغرى ثمانية

There are 8 nullifiers of Wudū'. الخارج من السبيلين, what exits from the two private parts. Number two: والفاحش من غيرهما, what exits from other than the two private parts that's repulsive. Number three: وزوال العقل بغير نوم يسير جالسا أو قائما, what pertains to sleep. Number four: ومس الفرج, touching the private parts. Number five: والمرأة لشهوة, and a woman with desire. Together it's taken as ومس الفرج والمرأة لشهوة, touching the private parts and a woman with desire. The sixth nullifier is وأكل لحم الإبل, eating the flesh and the meat of a camel. That's where we left off in the last Halaqah.

We took the issue of whether eating the meat of a camel nullifies Wudū' or not, and we said the Hanābilah said it nullifies the Wudū'. The other three Madhāhib said it

doesn't nullify the Wudū', and we stated that the proofs strongly support the opinion of the Hanābilah. The Hadīth in Sahīh Muslim, Hadīth Jābir Ibn Samurah, when the Messenger (ﷺ) was asked about the meat of the camel, and he said it nullifies the Wudū'. Hadīth Al-Barā' Ibn 'Āzib — perform Wudū' from eating the meat of the camel, and it's in Sunan An-Nasā'i and Ibn Mājah and Musnad Ahmad. Imām Ahmad and Al-Bayhaqi and Ishāq Ibn Rāhaway said those two Ahādīth are the authentic Ahādīth on this matter.

At the end of the class, I stated that An-Nawawi رحمه الله تعالى, who is a Shāfi'ī, went against his Madhhab in this issue, and in his book Al-Majmū', gave a summarized statement on the dispute in this issue. And he did what we've been saying all throughout — that the ultimate decision rests on the proof. That's why we study a Hanbali Matn but we include with it, other Madhāhib and their proofs and rationales to arrive at what is supported by the proof. The Shāfi'īyyah's official opinion on this matter is that the meat of the camel doesn't nullify the Wudū', An-Nawawi went against that opinion, [saying] that it *does* nullify the Wudū', and he said, "Our colleagues (meaning those within his Madhhab) used weak arguments in opposition to those two Ahādīth, so I left their opinion due to its weakness." He left the official Shāfi'ī opinion on this matter because the proof doesn't support it, and like An-Nawawi on this matter is Al-Bayhaqi, he's also a Shāfi'ī. In response to the Āthār by the Sahābah, like that of 'Ali and Ibn 'Abbās رضي الله عنهم, that Wudū' is only from that which exits. He said such statements of the Sahābah are not something we leave the Ahādīth of RasūlAllāh (ﷺ) for. And many other 'Ulamā' of the Shāfi'ī Madhhab went against the Madhhab in this opinion. That shows how impartial and unbiased they were. They didn't show favoritism to their Madhhab if the proof was against it. So that's the first Mas'alah.

There are three follow up Masā'il on that, the first one pertains to the spleen and liver of the camel and what's like that. The next one is the milk of the camel, and the one after that is the broth of a camel. If you remember when I mentioned the statement of the author, وأكل لحم الإبل, I said keep that term 'Lahm' — the meat — keep that in mind. It's essential. Why? Because this Mas'alah pertains to that. We understand the Mas'alah of the meat of the camel.

II. What about what's similar to meat? What we mean by that is the spleen of the camel — the Karsh — the Karsh in 'Arabi is the intestines or the entrails of the camel, the liver of the camel, the fat of the camel. Is that also included or not?

- And the first opinion is the liver and the spleen and what's like it does not nullify the Wudū'. From the previous Mas'alah, we obviously know that the Jumhūr didn't think the meat of the camel nullifies the Wudū'. So it's clear here, they're going to follow along in this opinion in stating that the liver and spleen and what's like it does not nullify the Wudū' as well. So the three Imāms and the Hanābilah — in one of two opinions and it's the popular opinion of the Maddhab — say it doesn't nullify the Wudū' to eat the spleen and the liver and the entrails of the camel.

  Their Ta'līl, first of all, is what we took many times: the Tahārah remains intact, and it's not nullified except by clear, authentic proof. They said including other than meat under the ruling of meat is doubtful. What's based on Yaqīn is that a person's Tahārah continues, and it doesn't get overtaken or overruled by probabilities or doubts (Ihtimālāt in 'Arabi).

The second proof they said, is that the reason for Wudū' from a camel's meat is that it's an 'Ibādah. We don't know the 'Illa, we don't know the cause, we don't know the reason. In order to do Qiyās, in order to do analogy of other than meat with meat, you need to know the 'Illa. That's the rule to do Qiyās in Usūl Al-Fiqh. So Qiyās here is not correct because we do not know the 'Illa. It's a matter of 'Ibādah where we don't know the 'Illa. So you can't do analogy of other than meat on meat in stating that it nullifies the Wudū'. The opposing opinion responded to this. They said, we're including the spleen and the liver and what's like it, not by analogy, but rather by the term itself. The term 'meat' linguistically encompasses the spleen and the liver and what's like it.

The third proof for this opinion: they said the fat and the liver and spleen are not included under the term 'meat', because if you were to send someone to the market to buy meat of the camel, he comes back with the Karsh (the intestines of a camel), you would tell that person when he returns, "Where's the meat? Why did you bring the liver and the spleen not the meat?" Meaning, they're two different things. The opposing opinion responded to this. They said that's debatable. It's a give and take issue, that's based on customs and how broadly they used the term. Linguistically, however, in the official language, the meat encompasses what we mentioned — the spleen, the liver and what's like it. That's the first opinion and their proof.

- The second opinion is that the spleen, the fat, the Karsh, and the entrails nullify the Wudū'. And by the way, it may not be so common here to eat the intestines of animals, like sheep and camel, but it's common in other places and many love it. They tend to wash it in a special way and sometimes they stuff it with rice and lamb, so it's a practical Mas'alah.

So what's the proof for those who say the spleen and the liver and what's like it nullify the Wudū' just like the meat of the camel? They said, first of all, here the 'meat' is used in this context because it's *most* of the camel, but it's not limited to only the meat. They said this is in the same context as the prohibition of the meat of the swine. When Allāh سبحانه وتعالى prohibited the swine, He said,

إِنَّمَا حَرَّمَ عَلَيْكُمُ ٱلْمَيْتَةَ وَٱلدَّمَ وَلَحْمَ ٱلْخِنزِيرِ

"And the flesh of the swine", وَلَحْمَ ٱلْخِنزِيرِ. Allāh referred to it as the لحم of the خنزير, a general term that means everything about the swine. Can someone come and say, "I'm going to eat the liver of the swine or the spleen of the swine, but not the meat because Allāh سبحانه وتعالى said, وَلَحْمَ ٱلْخِنزِيرِ"? Of course not! So, in both the camel and the swine matters, they said the term لحم includes all the parts, the ones that we mentioned, not just the لحم itself. That's number one.

Number two, they said the spleen, the liver, what's like it, all those parts nourish through the same veins and blood, and from the same food and

water that the meat itself nourishes from. So there's no apparent difference. So they're saying linguistically it's included under meat, and in reality it's under meat, because they are nourished from the same sources, so there is no real difference.

Number three: they said in Sharī'ah, animal parts like those we're talking about don't have two separate rulings. Meaning, for the swine, there are no certain Harām parts of the swine. The liver, and meat and that — we don't say some of that is Harām and some of that is Halāl. It's all Harām. And likewise, Wudū' from the meat of the camel, it's one ruling. The meat and everything similar to it, like the spleen and the liver, has one ruling. There are no two rulings on one animal in the context of these matters that we're talking about here.

Their fourth proof is that, yes, the camel has the meat and the spleen and other parts, and if they were not included, the Messenger would have definitely told us that these are exempted, or these are different. But they're all the same in the ruling of the matter.

Ar-Rājih

The stronger of the two opinions appears to be that they're like the meat and they nullify the Wudū', because linguistically, as some Ulamā' said, it's included under the term, and in reality as well, there appears to be no difference.

III. The first Mas'alah we took under the meat of the camel is whether the meat of the camel nullifies the Wudū'. The second one is the liver and spleen and what's like it. The third one is the milk of the camel.

- And the first opinion is it doesn't nullify the Wudū'. This is the Jumhūr. The Hanafiyyah, Shāfi'īyyah, Mālikiyyah, and the Hanābilah in one of two opinions. And there's a sub-opinion of the Hanābilah under this that I'll include under here, which is that it doesn't nullify the Wudū', but it's Mustahabb (it's better) to make Wudū', that's the opinion of Ibn Taymiyyah رحمه الله تعالى, and this is the stronger opinion (that it doesn't nullify the Wudū').

  The proof that milk doesn't nullify the Wudū' is the rationale we took several times. It's that once Tahārah is established, it's Yaqīn, it doesn't get nullified without authentic proof or Ijmā', and they said that Hadīth specifying that the camel's meat nullifies Wudū' is for the meat, not for the milk of the camel. And it's an 'Ibādah that we don't know the reason of. We don't know the cause and reason and 'Illa for making Wudū' from the meat of the camel, so we can't add anything along with that, like the milk.

  They also mentioned a Hadīth in Sahīh Al-Bukhāri. When a tribe came to the Messenger (ﷺ), and he ordered them to go to a herd of camels of charity and to drink from the milk of the camel and the urine of the camel. How's that proof here? He told them to drink from the milk of the camel

and he didn't say to make Wudū' from it. Had drinking the milk of a camel been a nullifier, the Messenger (ﷺ) would have said to drink the milk of the camel, but make sure to make Wudū' for Salāh after that. And by the way, this Hadīth was about a tribe that came to the Messenger (ﷺ). They were ill, and the Messenger (ﷺ) said to drink from the urine and milk of the camel. After they did as they were ordered, they recovered from their ailments, and they became healthy and they apostated — they became Murtaddīn. They killed the shepherd and took the camels and ran away and left. The Prophet (ﷺ) sent the Sahābah in pursuit of them, they captured them, they brought them to the Messenger (ﷺ) and the Messenger (ﷺ) — The Mercy to Mankind, Ad-Dahhūk, Al-Qattāl — ordered that they brought to the justice of Allāh.

فَبَعَثَ فِي آثَارِهِمْ فَأُتِيَ بِهِمْ، فَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ وَسَمَلَ أَعْيُنَهُمْ

"He ordered that their hands and legs be cut off and that their eyes be branded with heated iron." That was a befitting recompense for what they did to the shepherd and for their Riddah. Ibn Al-Qayyim رحمه الله تعالى said that was in retaliation for what they did to the shepherd, and it's not among the mutilation that was deterred from in other Ahādīth like the Hadīth in Sahīh Muslim and some of the Sunan.

ولا تمثلوا، ولا تقتلوا وليدا

He said that is not included in that Hadīth, because that's proper retaliation.

Our point here, from this Hadīth, is that the Messenger (ﷺ) advised them to drink from the milk of those camels and he didn't say to make Wudū'. Had it been a nullifier, he (ﷺ) would have said drink from the milk of the camel and make Wudū'.

- The second opinion is that the camel's milk is a nullifier, and it's an opinion within the Hanbali Madhhab. This opinion used several supposed Ahādīth that explicitly say to make Wudū' from drinking the milk of a camel.

وَتَوَضَّئُوا مِنْ أَلْبَانِ الإِبِلِ

In Sunan Ibn Mājah. In another narration,

تَوَضَّئُوا مِنْ أَلْبَانِهَا

and two other different narrations. All of them are weak.

Ar-Rājih

So, the stronger opinion is that the milk of the camel doesn't nullify the Wudū' because there is no authentic Hadīth on the matter. The authentic Hadīth we took pertains to the meat, and it's a matter of 'Ibādah.

IV. The third Mas'alah, the final Mas'alah for today, is the broth of a camel The broth is the Marak. And this is very similar to the previous one, [so much so] that many Ulamā' actually include them together, but there is slight difference, so I decided to separate them.

- The popular opinion of the Hanbali Madhhab is that the broth of a camel doesn't nullify the Wudū', and the proof for this is a lot of the proof that we used pertaining to the milk of the camel that [also] applies here. There is no proof on it, that it nullifies Wudū'. They said Wudū' is established by Yaqīn and it can only be nullified by clear, authentic proof or Ijmā', and that's not available here.

- The second proof is that Allāh سبحانه وتعالى doesn't forget, and had it been a nullifier, we would have been informed. What Islām and the Sharī'ah are silent about is to forgive and make easy upon us.

- The third proof, they said, is if someone gives a vow not to eat the meat of a camel — he gives an oath by Allāh, "I'm not going to eat the meat of a camel" — then he goes and drinks the broth of a camel, does he break his oath by drinking the broth of a camel (when his oath was about the meat of the camel)? The answer is no. He didn't break his oath. So, they said the meat and the broth are two different things. They have two different Ahkām.

- The second opinion is that the broth of the camel nullifies the Wudū', and their first rationale is that if the taste of the broth has meat, it's just like eating the meat.

  The second proof they said, this is like Najāsah and water. If I have Najāsah here and I mix it with the water, all that water becomes Najis. Mixing the soup, the water, with the camel's meat makes it all like the meat, a nullifier of Wudū'. And the response to this is what I mentioned earlier. When one gives an oath not to eat the meat of the camel, and then drinks the broth — he gives an oath, "I will not eat the meat of a camel", but drinks the broth, it doesn't break his oath. Let's say someone gives an oath about the Najāsah, "I will not touch that Najāsah", that Najāsah is mixed with water now, and he touches that water it's mixed with — he broke his oath. This shows that the effect of Najāsah mixing with water is different than the broth mixing with the camel's meat. They're two different matters with different Ahkām.

The third proof they said the meat of the swine is not permissible, and likewise the broth of the swine is not permissible. By the same reasoning, the broth of the camel nullifies Wudū' just like its meat. The majority of the Ulamā' responded saying that's bad Qiyās, we stick to the proof, the proof only said meat.

Ar-Rājih

The safer opinion may be to make Wudū' if there are traces of meat in the broth. The stronger opinion is that you don't need to make Wudū' from the broth of a camel for the same reasons that we said you don't need to make Wudū' from the milk of the camel. Those are our Masā'il.

So the first Mas'alah we took under the meat of the camel is whether the meat of the camel nullifies the Wudū', and we said it does. The meat of the camel nullifies the Wudū'. The second Mas'alah is what's similar to the meat, like the liver, the spleen, the Karsh, the fat, and we said that falls under the linguistic term of 'meat' and under the reality of the meat itself. They nourish from the same veins and blood and food and water, so in reality and linguistically, it falls under 'meat'. The third Mas'alah was the milk of the camel, and we said that it doesn't nullify the Wudū'. The fourth Mas'alah is the broth of the camel, we said that doesn't nullify the Wudū' as well. We'll conclude with this.

JazakumAllāhu Khayrā

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم